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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**LORRAINE A. HACKMAN,**

**Plaintiff,**

vs.

**PACTIV CORPORATION,**

**Defendant.**

FILED

APRIL 11; 2008

08CV2094

**No:** JUDGE SHADUR

MAGISTRATE JUDGE DENLOW

YM

**JURY DEMAND**

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**AS AND FOR A FIRST CAUSE OF ACTION  
(CIVIL RIGHTS ACT IN EMPLOYMENT DISCRIMINATION)**

1. Plaintiff, LORRAINE A. HACKMAN, ("HACKMAN"), a former employee of PACTIV CORPORATION, ("PAC"), seeks redress for sex discrimination and retaliation by the Defendant through its agents, in violation of her rights under the Civil Rights Act Title VII.
2. This is an action under Title VII of the Civil Rights Act of 1964 and as amended by inter alia, the Civil Rights Act of 1991, 42 U.S.C. 2000(e) *et seq.*, for the Defendant, PAC having subjected HACKMAN, to sex discrimination by failure to treat her the same as other non-female employees despite HACKMAN'S repeated complaints about same.
3. Jurisdiction of this court is provided by 28 U.S.C. 1331 and 1343.

**PARTIES**

4. HACKMAN, is a female and an adult person and a resident of Cook County, State of Illinois.
5. HACKMAN was an employee of PAC from 1979 until January of 2004, in October of 2005, HACKMAN was hired by Prairie Packing. In June of 2007, Prairie Packing

was acquired by PAC. On October 1, 2007, HACKMAN was terminated in May of 2006.

6. PAC is an employer within the meaning of the Civil Rights Act and 42 U.S.C. 2000(e) *et seq.*, and has been at all times material to the allegations herein.

7. HACKMAN filed a discrimination charge against Defendant with the Equal Employment Opportunity Commission (EEOC). That charge was timely filed, under the Title VII of the Civil Rights Act of 1964, 42 U.S.C. A. § 2000e-5(e).

8. On or about January 13, 2008, HACKMAN received notice from the EEO of her right to bring this action (see Exhibit "A"), and HACKMAN timely filed this action.

9. At all times relevant, HACKMAN was meeting the legitimate expectations of PAC.

**AS AND FOR A SECOND CAUSE OF ACTION  
AGE DISCRIMINATION IN VIOLATION TO THE ADEA**

10. Plaintiff realleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

**JURISDICTION AND VENUE**

11. Plaintiff brings this action for benefits under the Age Discrimination in Employment Act of 1967 (hereinafter sometimes referred to as the ADEA), 29 U.S.C. § 621-634, under the specific provisions of the Age Discrimination in Employment Act, viz. 29 U.S.C. § 626(c).

12. Jurisdiction of this action is conferred upon the Court by Section 7(b) of the Age Discrimination in Employment Act, 29 U.S.C. § 626 (b) and Venue 28 U.S.C. § 1331.

13. The employment practices hereafter alleged to be unlawful were and are now being committed in the Northern District of Illinois, Eastern Division.

14. Plaintiff was born on December 2, 1959, and falls within the group protected by the

ADEA.

15. At all times material herein and hereinafter mentioned Defendant Corporation has engaged in and employed its employees in commerce and in the production of goods for commerce between points in several states. The Defendant was, and is, and has been, at all times material herein, engaged in commerce within the meaning of the ADEA.

16. Defendant Corporation is an employer within the meaning of the ADEA.

17. On or about June of, 2007, and continuously thereafter, while meeting the minimum standards of his employer, the defendant willfully discriminated against plaintiff because of her age. Plaintiff reached 47 years of age before October 1, 2007.

18. As a result of Defendant's actions, the Plaintiff has been subject to being treated differently than younger employees, in that, she has been subjected to unfair treatment in the application of adverse employment actions while those younger have not been held to the same standards.

19. The Defendant's conduct was at all times willful and wanton entitling the Plaintiff to liquidated damages.

**AS AND FOR A THIRD CAUSE OF ACTION  
(TITLE VII-RETALIATION)**

20. Plaintiff realleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

21. PAC has intentionally retaliated against based upon a prior filing of a complaint with the Equal Employment Opportunity Commission (EEOC), wherein PAC's agents created a hostile and offensive work environment and terminating her employment in October 1, 2007, all in violation of Title VII of the Civil Rights Act of 1964, , as amended by, inter alia the Civil Rights Act of 1991, 42 U.S.C. Section 2000-e et seq.

22. By reason of the retaliation of PAC, Plaintiff has suffered a loss of earnings and benefits, in addition to suffering great pain, humiliation and mental anguish, all to her damage.

23. Further, said action on the part of the PAC was done with malice and reckless disregard for Plaintiff's protected rights.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, LORRAINE A. HACKMAN, prays for judgment as follows:

1. Declare the conduct engaged in by PAC to be in violation of Plaintiff's rights;
2. For injunctive relief, including but not limited to relief required to make Plaintiff whole for the losses caused by the violations of PAC;
3. For compensatory damages in an amount according to proof;
4. For punitive damages based upon the wrongful conduct of PAC;
5. For costs of suit, including reasonable attorney's fees and expert fees, pursuant to 42 U.S.C.A. § 12117(a), which incorporates the remedies set forth in Title VII of the Civil Rights Act of 1964, Title 42 U.S.C.A. § 2000e-5(k); and
6. For such other and further relief as the court deems proper.

LORRAINE A. HACKMAN

BY: /s/ Michael T. Smith  
Michael T. Smith  
Trial Attorney

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Lorraine A. Hackman  
 Pcb 292 294 Sunset Trail  
 New Lenox, IL 60451

From: Chicago District Office  
 500 West Madison St  
 Suite 2800  
 Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0014 4053 6500



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2008-01391

Cristina Wodka,  
 Investigator

(312) 353-1401

(See also the additional information enclosed with this form.)

**NOTICE TO THE PERSON AGGRIEVED:**

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)

*John P. Rowe*

John P. Rowe,  
 District Director

1-10-08

(Date Mailed)

cc:

PACTIV CORPORATION

EXHIBIT A

EEOC Form 6 (5/01)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: _____ Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA  <input checked="" type="checkbox"/> EEOC         </div> <div style="text-align: right;"> <b>440-2008-01391</b> </div> </div>	
<b>Illinois Department Of Human Rights</b> and EEOC <small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.) <b>Ms. Lorraine A. Hackman</b>		Home Phone (Ind. Area Code) <b>(815) 274-4411</b>	
Date of Birth <b>12-02-1959</b>			
Street Address <b>Pob 292 294 Sunset Trail, New Lenox, IL 60451</b>			
City, State and ZIP Code			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>PACTIV CORPORATION</b>		No. Employees, Members <b>500 or More</b>	
Phone No. (Include Area Code) <b>(708) 924-3840</b>			
Street Address <b>7207 South Mason, Bedford Park, IL 60638</b>			
City, State and ZIP Code			
Name		No. Employees, Members	
Phone No. (Include Area Code)			
Street Address			
City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> RACE         </div> <div> <input type="checkbox"/> COLOR         </div> <div> <input checked="" type="checkbox"/> SEX         </div> <div> <input type="checkbox"/> RELIGION         </div> <div> <input type="checkbox"/> NATIONAL ORIGIN         </div> </div> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> RETALIATION         </div> <div> <input checked="" type="checkbox"/> AGE         </div> <div> <input type="checkbox"/> DISABILITY         </div> <div> <input type="checkbox"/> OTHER (Specify below)         </div> </div>		DATE(S) DISCRIMINATION TOOK PLACE Earliest                      Latest <b>10-01-2007-                      10-01-2007</b>  <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))  <p>I worked for Respondent from 1979 through January 2004. In October 2005 I was hired by Prairie Packing. In June 2007, Respondent acquired Prairie Packing. On October 1, 2007, I was terminated from my employment by Respondent.</p> <p>I believe that I have been discriminated against based on my sex, female, and retaliation based on a prior EEOC charge, in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe that I have been discriminated against because of my age, 47 (Date December 2, 1959), in violation of the Age Discrimination in Employment Act of 1967.</p> <div style="text-align: right; margin-top: 20px;"> <b>RECEIVED EEOC</b>  <b>DEC 18 2007</b> </div>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and local Agency requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Date <b>Dec 19, 2007</b>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Complainant Signature 			